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Order 2003-7-15  
Served: July 16, 2003



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 11<sup>th</sup> day of July, 2003

Essential Air Service at

**NEW LONDON/GROTON, CONNECTICUT  
ATLANTIC CITY, NEW JERSEY**

under 49 U.S.C. 41731 *et seq.*

**Dockets OST-2003-15413-2  
and OST-2003-15415-2**

**ORDER TO SHOW CAUSE**

**Summary**

By this order, the Department tentatively finds that New London/Groton is less than 70 driving miles from Hartford and Providence, both medium hub airports, and that Atlantic City is less than 70 driving miles from Philadelphia, a large hub airport, making both communities ineligible for subsidy, as discussed later. As a result, the order allows Air Midwest to suspend its scheduled service at both communities, effective September 2, 2003.

**Background**

On June 3, 2003, Air Midwest, Inc., d/b/a US Airways Express (Air Midwest), filed 90-day notices in accordance with 49 U.S.C. 41733 of its intent to suspend service at New London/Groton, Connecticut, and Atlantic City, New Jersey, on or about September 2, 2003.<sup>1</sup> (See Appendix A for a map.) 49 U.S.C. 41733 requires notices to be filed at least 90 days prior to an air carrier ending, reducing or suspending air transportation to an eligible place below the level of basic essential service, regardless of whether the community is eligible to receive subsidized essential air service.

**New London/Groton:**

At the time it filed its notice, Air Midwest was the only carrier serving New London/Groton. It currently provides the community with four weekday and five weekend nonstop round trips to Philadelphia using 19-seat Beech 1900D aircraft. On June 10, 2003, Boston-Maine Airways began providing New London/Groton with two weekday and two weekend round trips to Baltimore with 19-seat British Aerospace Jetstream 3100 aircraft.

<sup>1</sup> Air Midwest's notices were dated May 30, 2003, but were not received in this office until June 3, 2003.

Order 92-12-39, issued December 28, 1992, defines New London/Groton's essential air service determination as two daily round trips to New York City (nonstop) or Philadelphia (nonstop or one-stop), with sufficient capacity to accommodate 40 enplanements a day.

#### Atlantic City

Air Midwest currently provides Atlantic City with three weekday and four weekend nonstop round trips to Philadelphia using 19-seat Beech 1900D aircraft.

In addition, scheduled air service at Atlantic City is also provided by Comair and Spirit Airlines. Comair, a Delta Connection code-share carrier, provides Atlantic City with three nonstop round trips a day to Cincinnati (a large hub airport) using 50-seat Canadair Regional Jets. Spirit Airlines provides limited jet service (one or two round trips a week) to Detroit, Ft. Lauderdale, Ft. Myers, Myrtle Beach, Orlando and Tampa/St. Petersburg, with 156-seat MD-80 aircraft.

Civil Aeronautics Board Order 84-5-83, issued May 25, 1984, defines Atlantic City's essential air service determination as two daily round trips to New York City (nonstop) or Philadelphia (nonstop or one-stop), with sufficient capacity to accommodate 40 enplanements a day.

#### **Decision**

Under Public Law 106-69, the Department of Transportation and Related Agencies Appropriations Act of 2000, the Department is precluded from compensating a carrier under the Essential Air Service program for serving any community within 70 driving miles of a medium or large hub airport. Using a software program developed by Rand McNally & Company, we have determined that New London/Groton is 47 miles from Providence's Theodore Francis Green State Airport (a medium hub airport), and 63 miles from Hartford's Bradley International Airport (also a medium hub airport). We have also determined that Atlantic City is 63 miles from Philadelphia International Airport (a large hub airport).

Since we are prohibited from paying subsidy to Air Midwest for providing air service at either New London/Groton or Atlantic City under the Essential Air Service program, we cannot require the carrier to continue service at the communities after the end of the 90-day notice period. Consistent with program practice, we will give each community 20 days after the service date of this order to file an objection if it believes that we have made a mistake in our distance calculations.

As a final matter, we expect Air Midwest, before suspending service at New London/Groton and Atlantic City, to contact all passengers holding reservations for flights affected, to inform them of the suspension, and to assist them in arranging alternate transportation or to provide a refund of the ticket price, without penalty, if requested.

This order is issued under authority delegated in 49 CFR 1.56a(f).

**ACCORDINGLY,**

1. We tentatively find that New London/Groton, Connecticut is less than 70 driving miles from Hartford's Bradley International Airport and Providence's Theodore Francis Green State Airport and, thus, is ineligible to receive subsidized air service under the Essential Air Service program. We will tentatively allow Air Midwest, Inc., d/b/a US Airways Express, to suspend its scheduled service at New London/Groton, on September 2, 2003;
2. We tentatively find that Atlantic City, New Jersey is less than 70 driving miles from Philadelphia International Airport and, thus, is ineligible to receive subsidized air service under the Essential Air Service program. We will tentatively allow Air Midwest, Inc., d/b/a US Airways Express, to suspend its scheduled service at Atlantic City, on September 2, 2003;
3. We direct all interested persons to show cause within 20 days of the service date of this order why we should not make final the tentative findings and conclusions set forth in paragraphs 1 and 2 above.<sup>2</sup> If no objections are filed, all procedural steps will be deemed waived, and this order shall become effective on the 21<sup>st</sup> day following the date of service;<sup>3</sup>
4. These dockets will remain open until further order of the Department; and

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<sup>2</sup> Since we are providing for the filing of objections to this order, we will not entertain petitions for reconsideration.

<sup>3</sup> Objections should be filed with Docket Operations and Media Management, M-30, Room PL-401, 400 7<sup>th</sup> Street, S.W., Washington, DC 20590.

5. We will serve a copy of this order on the mayors of New London and Groton, Connecticut, the mayor of Atlantic City, the airport managers of the Groton-New London Airport and the Atlantic City International Airport, the Directors of the Connecticut and New Jersey Departments of Transportation, the Governors of Connecticut and New Jersey, and Air Midwest.

By:

**MICHAEL W. REYNOLDS**  
Acting Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at  
<http://dms.dot.gov>*

## AREA MAP

